

REMARKS

Claims 1-3 were previously pending in the application. New claims 4-20 have been added by way of this amendment. Applicants respectfully submit that support for the new claims can be found throughout the specification, for example at pages 4, 8 and 10 in the specification. Applicants submit that no new matter has been added. Further, Applicants respectfully request reconsideration of the above-identified application, in view of the above amendments and following remarks.

Claim Rejection – 35 U.S.C. § 102

Claims 1-3 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Riskin (US Patent No. 4,757,267). Applicant respectfully submits that the pending claims are patentably distinct from the cited references.

Independent claim 1 recites, *inter alia*,:

determining targeted marketing material based on the identity of the terminating party; and providing the targeted marketing material to the originating party.

Applicants respectfully submits that the cited reference does not teach, disclose or suggest the elements of the claimed invention.

In contrast to the elements recited in independent claim 1, Riskin discloses a “Telephone system for connecting a customer to a supplier of goods.” More specifically, Riskin’s system is “[a] telephone system [that] automatically connects a potential customer with a nearby dealer who can provide the goods or services desired by the potential customer.” (See, Riskin, Abstract). The Office Action alleges that Riskin anticipates, “determining targeted marketing material based on the identity of the terminating part...[relying on Riskin’s] col. 5, lns

37-48; and claim 11 in column 2 of the Reexamination Certificate...” (See, Office Action, page 2, last paragraph and page 3, first paragraph). However, the cited passages in Riskin do not disclose, teach or suggest providing “determining targeted marketing material based on the identity of the terminating party...” as recited in independent claim 1.

Riskin simply discusses identifying a caller and connecting the caller with a dealer who will provide a requested product or service. In col. 5, Riskin discusses, “[t]he system...will solicit and receive the required identification from the caller (product/service and NPA-NNX [which is a caller’s telephone identification characteristic]... perform the selection of one or several dealers, select and dial up one or more dealers until one answers, and connect the inbound and outbound calls.” (See, Riskin, col. 5, lines 18-27). The cited passage, Riskin, col. 5, lines. 37-48 provides additional detail related to connecting a caller with a selected dealer. Similarly, claim 11 from the Re-examination certificate discusses:

routing a telephone call from a first party who dials a telephone number including digits uniquely characteristic of a given item [Riskin’s caller requested product or service] to...one second party out of a group of second parties who can supply said item and who is located geographically nearest to the first party.

However, Applicants submit that Riskin’s system for identifying a caller, a caller’s requested product/service and connecting the caller with a dealer to provide the product/service does not anticipate determining targeted marketing material based on the identity of the terminating party and providing the targeted marketing material to the originating party, as recited in independent claim 1.

Accordingly, Applicants respectfully submit that the independent claim 1 is patentably distinct from Riskin for at least this reason. Further, Applicants submit that independent claim 3, claim 2, which depends on independent claim 1, as well as new claims 4-10

are also patentably distinct from the cited reference for at least similar reasons. Therefore,

Applicants respectfully request withdrawal of this ground of rejections.

CONCLUSION


It is now believed that all pending claims are in condition for allowance. In view of these remarks, an early and favorable reconsideration is respectfully requested.

AUTHORIZATION

Applicant believes that no additional fees are necessary for the submission of this Amendment and Response, however, should any fees be due, the Commissioner is hereby authorized to charge any such fees which may be required for this Amendment and Response, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 4330-4004US1. A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

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Respectfully submitted,
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